

Provisional Ballots

Source: Indiana Secretary of State

<https://www.in.gov/sos/elections/2651.htm>

General Information on Provisional Ballots:

A provisional ballot allows the voter to cast a vote if:

1. There is a question about the voter's qualification to vote in the precinct (e.g., the voter is not on the poll book) which is not resolved by a fail-safe procedure and the voter believes he/she is qualified to vote in the precinct.

-OR-

2. The voter has been challenged as not qualified to vote in his/her precinct (example: the voter did not have photo identification)
 - A person may not challenge the right of an individual to vote at an election in the precinct solely on the basis of the individual's:
 1. Enrollment in an educational institution; or
 2. Registration to vote at an address that is housing provided for students by the educational institution;
 3. Actual or perceived affiliation with a political party; or
 4. Support or opposition to a candidate or the adoption of a public question.
 - The voter's provisional ballot will be kept separate from the other ballots cast in that precinct.
 - After Election Day, the county election board will decide whether the voter was qualified to vote in that precinct and whether the voter's ballot should be counted.
 - The voter will be able to contact the county election board after Election Day to find out whether the voter's ballot was counted, and if it was not counted, why not.
 - There are several situations in which the voter may be required to cast a provisional ballot:
 1. The voter is lacking the requisite photo identification
 2. The voter's name appears on the poll list, but he/she has been challenged as not eligible to vote at the precinct for some other reason sworn to in writing by the person who challenges the voter's eligibility to vote.

3. An order has been issued by a court extending the hours that the polls must remain open.

General Information on Challenging a Voter:

The Challenging Process is covered in IC 3-6-7

The following information is taken from the Election Day Handbook

Who may Challenge a Voter?

1. A member of the precinct election board (the inspector or either judge).
2. A poll clerk (but only if the clerk does so based on a questionable signature by the voter on the poll list).
3. A challenger appointed by a candidate, or a political party.
4. During a primary election, a voter who is a member of the political party whose ballot is being requested by the voter.

Situations in which a Challenge Should be Issued:

NOTE: Otherwise qualified 17-year olds may vote in a primary election, but not on a public question voted on at the same time as the primary.

1. If the voter is unable to present photo ID that meets the photo ID requirements.
2. If the **voter's name does not appear on the poll list** (the voter is not registered to vote in the precinct) unless the voter qualifies to vote using one of the Fail-Safes.
3. The voter's name appears on the poll list, but the **voter does not currently reside in the precinct** unless the voter qualifies to vote using one of the Fail-Safes.
4. The poll list indicates that the voter is also required to present additional documentation but is not able to do so.
5. The voter is not a U.S. citizen.
6. The voter will not be 18 years of age or older at the general election.
7. The voter's signature on the poll list does not match that on the registration record of the county.
8. In a primary, the voter is not affiliated with the party whose ballot the voter is requesting.

EXCEPTION: A voter challenged in a primary due to party affiliation is NOT issued a provisional ballot. If the challenged voter is willing to complete and sign

the challenged voter's affidavit (Form PRE-6; reverse), then the voter is issued the regular ballot of that party, which is NOT kept separate from the undisputed ballots cast in the precinct.

How does a voter cast a provisional ballot?

Generally, the same rules and procedures that apply to casting a traditional paper ballot apply to casting a provisional ballot, but there are some special procedures that are similar to casting an absentee ballot:

1. The voter must mark the provisional ballot privately, unless the voter is entitled to and requests assistance.
2. The voter must enclose the provisional ballot inside a provisional ballot secrecy envelope provided for this purpose (Form PRO-2) and seal the envelope.
3. The voter must return the sealed envelope, with the ballot inside, to the inspector.